



**CITY OF SUNNYVALE
REPORT
Planning Commission**

September 27, 2004

SUBJECT: **2004-0603 - Classic Communities** [Applicant] **Sato America Inc** [Owner]: Application for related proposals on a 7-acre site located at **543, 545 and 549 East Weddell Drive** in an M-S/ITR/R-3/PD (Industrial & Service/Industrial to Residential/Medium Density Residential/Planned Development) Zoning District. (APN's: 110-14-178 through 181; 110-14-164 and 165);

Motion **Special Development Permit** to allow demolition of two buildings and construction of 130 new town homes, and;

Motion **Tentative Map** to allow the subdivision of six parcels into 130 lots and five common lots.

REPORT IN BRIEF

Existing Site Conditions Two General Industrial buildings

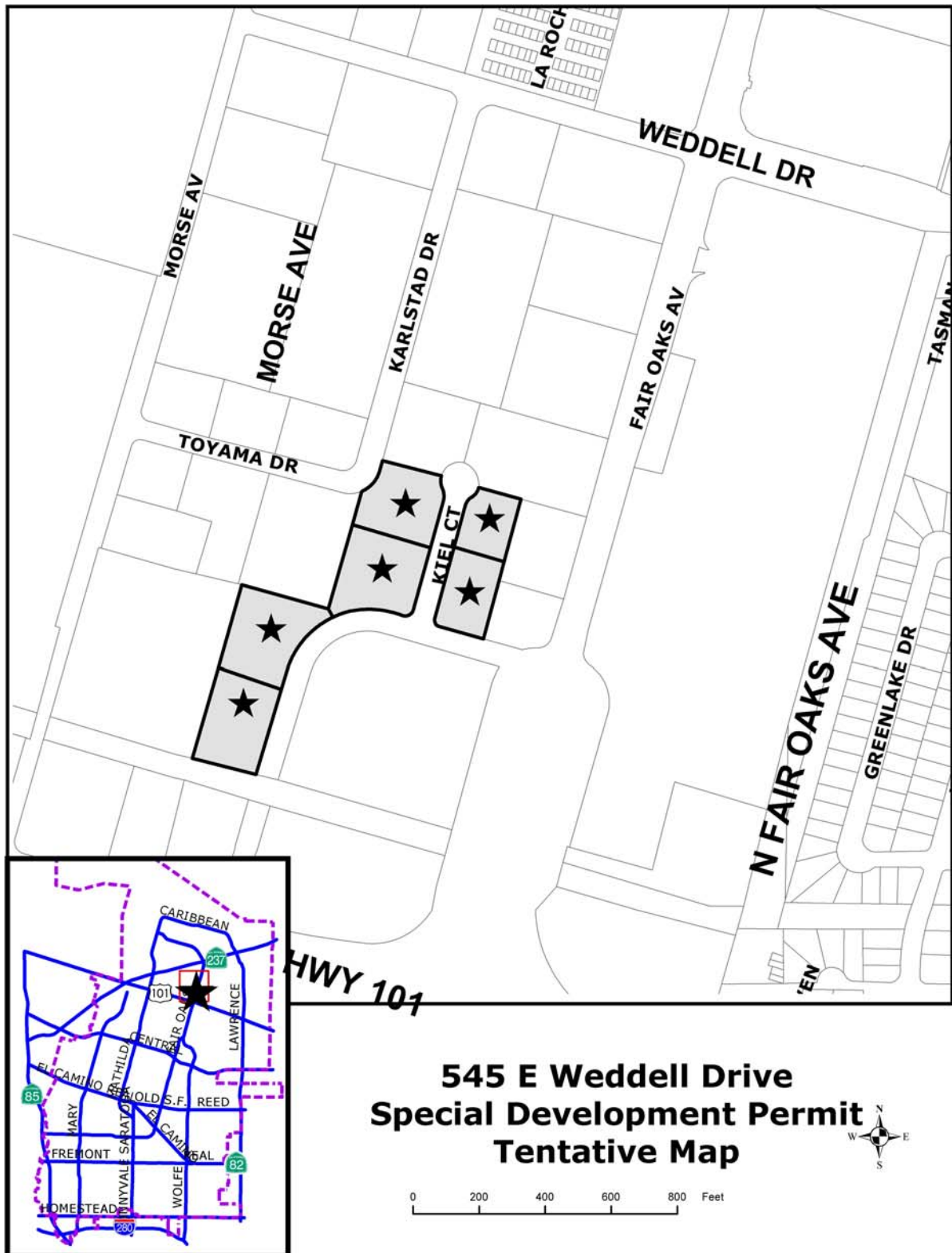
Surrounding Land Uses

North	Existing General Industrial Buildings
South	Existing General Industrial Buildings
East	Existing Restaurant and Industrial Buildings
West	Existing General Industrial Buildings

Issues Pedestrian path circulation, site design and interaction with transitioning adjacent uses

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	ITR MIX	ITR MED	
Zoning District	MS/ITR/R-3/PD	MS/ITR/R-3/PD	---
Lot Size (s.f.)	6.56 acres	986-1,715	min. Per SDP
Gross Floor Area (s.f.)	103,122	286,000	max. Per SDP
Lot Coverage (%)	36%	37.1	40 max.
No. of Units	0	50	max.
Density (units/acre)	na	18.8	24 max.
Meets 75% min?	na	Yes	18 min.
Bedrooms/Unit	na	2.3.4 bedrooms	---
Unit Sizes (s.f.)	na	36x Plan 1=1,967 40x Plan 2=1,949 21x Plan 2x=1,949 33 x Plan 3=2,031	N/A
Lockable Storage/Unit cu/ft	na	varies min. of 384	300 cu. ft. min.
No. of Buildings On-Site	6	28 (1 Common Community Bldg.)	Per SDP
Distance Between Buildings	na	24	23 ft min.
Building Height (ft.)	22	35	30 max.
No. of Stories	2	3	2 max.
Setbacks (facing prop.)			
• Front		20	15 min.
• Left Side		15	9 min.
• Right Side		8	9 min.
• Rear		12.75	20 min.
Landscaping (sq. ft.)			
• Total Landscaping	33,000	98,873	57,200 min.
• Landscaping/Unit	na	760	425 min.
• Usable Open Space/Unit	na	425	400 min.
• Frontage Width (ft.)	20	20	15 ft. min.
• Landscaper Buffer (ft.)	na	12.75	10 ft. min.
• Parking Lot Area Shading (%)	Unknown	Unknown (<50%)	50% min. in 15 years
• Water Conserving Plants (%)	Unknown	70%	70% min.
Parking			
• Total No. of Spaces	na	330	330 min.
• No. of Standards	na	57	min.
• No. of Compacts / % of total	na	13 (22%)	19 (35%) max.
• No. of Accessible	na	3	min.
• No. of Covered Spaces	na	260	130 min.
• Driveway Aisle Width (ft.)	26	24	24 min.
• Bicycle Parking	none	Residents in Garage 33 guest	52 Min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Stormwater			
• Impervious Surface Area (s.f.)	255,802	203,153	PER SDP
• Impervious Surface (%)	89	70.7	PER SDP

Requested Deviations to the Zoning Code

ANALYSIS

Background

Previous Actions on the Site: Previous actions on the site were minor landscape or façade changes for the existing industrial buildings. No notable land use applications are on record.

Description of Proposed Project

The proposed project provides for the redevelopment of existing industrial and office buildings to 130 townhome ownership units, including 16 BMR units. The project includes private street access, 2-car garages, guest parking areas, walk up townhome units, common open space and community building and dedication of pedestrian paths for neighborhood circulation. Abutting uses include operating office and general industrial uses and a restaurant. The neighborhood is intended for and currently in transition from industrial and office uses to medium and high-density residential uses.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project required mitigation of noise levels created by Fair Oaks and US Highway 101. The mitigation measures include sound transmission rated windows for the majority of units along the southwest and east portions of the site. Conditions of approval are included requiring STC windows as identified by the acoustical analysis consultant.

Special Development Permit

Use: Demolition of six existing industrial buildings and the development of a new residential 130-unit townhome complex, including 16 BMR units. The units range in size from 2-4 bedrooms, including 2 versions of the 3-bedroom floor plan. All units also include 2 car garages and individual private patio spaces. The floor plans generally provide for a bedroom on the ground floor, living area and kitchen on the 1st floor and bedrooms on the 2nd floor. The

units are clustered together with 27 main buildings and one community building of approximately 500 square feet. The community building serves all residents of the development.

<u>Plan Type</u>	<u>Bedrooms</u>	<u>Bathrooms</u>	<u>Living Area sf</u>	<u>Garage sf</u>	<u>Total sf</u>	<u># of Units</u>
Unit 1	2	2.5	1,378	589	1,967	36
Unit 2	3	3	1,529	420	1,949	40
Unit 2x	3	3	1,529	420	1,949	21
Unit 3	4	4	1,631	400	2,031	33

Site Layout: The 6.56-acre site is a combination of 6 parcels with public street frontage primarily along Weddell Drive and Kiel Court. The site is effectively broken into three components (south Weddell, west Kiel, east Kiel) acting as semi-independent development in terms of meeting development standards of landscaping and parking. Within each sub-area the layout is typical of a common landscape corridor with units opposite of each other aligned off of driveways from streets. Units are also oriented towards the public street along Kiel Court sub-areas and the back row of units in the south Weddell sub-area is configured with the front doors facing the west property line which is planned as a future park. The layout of the south Weddell sub-area provides view corridors through the design with the intent of providing vistas to the future park.

Large front yard setbacks are provided from the public streets in deference to the existing large mature street trees and their extensive canopy. Most of the street trees are to be retained, as a result meandering sidewalks are proposed along Weddell Drive and the applicant has proposed a modified street design for Kiel Court that narrows the curb-to-curb width to allow placement of sidewalks inside the tree line. The narrower street is appropriate for the transitioning residential neighborhood, but continues to provide adequate access for emergency vehicles and to the operating business at the end of Kiel Court.

Perimeter walls are proposed along with a landscape separation from adjoining uses. The wall is required to be a masonry wall of 6-8 feet in height between industrial and residential uses. Along the south boundary of the south Weddell sub-area the site abuts the bike path of the John W Christian Greenway. Four units front to the south and the applicant has proposed a wooden "good neighbor" fence along this boundary. The perimeter walls are of most concern to staff in regards to the future development of a park on the five acres west of the south Weddell sub-area. This area is planned for a future park, but currently there is no definite timeline. Staff believes that with the applicant taking advantage of the proximity to the future park by fronting units to the west this future interface is of great interest to the City and the future residents. A six or eight foot-wall creates a confined and uninviting space that is not appropriate for someone's front yard. The applicant has proposed that

the pre-cast wall constructed for this stretch of land be designed for its removal or replacement with a lower height wall at the time the site is developed as a park. Staff has included recommended conditions that ensure the wall is removed at an appropriate future date.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<i>B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.</i>	Guest parking dispersed throughout the site and generally hidden from street view. Trash enclosures are conveniently located for occupant access. Landscaping provides buffer between adjacent uses, include preservation of large street trees. Internal pedestrian paths provide good connectivity. Wall design requires additional features to increase visual appeal due to prominent locations in front of units.
<i>Noise Sub Element 3.6A.1f</i> Supplement the "Noise and Land Use Compatibility Guidelines" for residential uses by attempting to achieve an outdoor Ldn of no greater than 60 dBA for common recreation areas, backyards, patios, and medium and large-size balconies.	Despite the construction of perimeter walls all yards and patios will not meet the guideline for exterior noise, some areas may be as high as 68 dba. Site Planning and general architectural considerations were analyzed in application of this goal.
<u><i>Fair Oaks/Tasman Guidelines</i></u> <i>BD2 Try to maintain a well-defined street edge. BD 4 Provide direct entrances to street-level residential units to support an intimate streetscape.</i>	Walk-up townhome entries and street trees define street edge.
<i>SL 1 Private streets and driveways within development shall be designed for pedestrian use with sidewalks on a least one side.</i>	Internal circulation system does not include private street proximity. Paths do connect to public sidewalk system.

Architecture:

The project includes 27 buildings with a mixture of 3-6 units per building and three different three-bedroom floor plans. The buildings have a uniform design appearance and incorporate large scale massing deemphasizing individuality and entries of a traditional rowhouse design. The proposed design is in contrast to the individual stylings of the Toyama project and the distinguished entry pattern of Pulte. Staff believes the proposed design provides diversity in design style while preserving the highly desirable walk up entry features of traditional rowhouses and townhomes. The overall height of the proposed three-story buildings, including slight grading up of the site, will be approximately 37 feet.

The architecture is proposed as a simple Spanish motif. The integrity of this design as a simple style requires a balance of providing for its traditional elements and including points of visual interest and focal points in

combination with its massing to fit the general character of Sunnyvale and the developing neighborhood. Staff has included recommendations that the applicant continue to work on reducing the apparent bulk of the design and provide for enhanced accents and detailing and articulation for side and rear elevations.

In regards to colors and materials the applicant has submitted high quality S-tile roof materials, stucco finish, wrought iron detailing and varying colors for trim and doors.

The following Guidelines were considered in the analysis of the project architecture.

Design Policy or Guideline (Architecture)	Comments
<i>B1. Break up large buildings into groups of smaller segments whenever possible to appear smaller in mass and bulk.</i>	The 5 and 6 unit building are large and appear bulky despite some popouts and slight window variations between facades. Rear and side elevations appear flat. The design is simple and deemphasizes individuality and unit identification within the overall architectural theme. Within the neighborhood the architecture provides compatible diversity of style to recently developed adjacent projects.
<i>C1.2.2 Encourage development of diversified building forms and intensities.</i>	
<i>C3. Develop a comprehensive architectural theme for multi-building complexes. Unify various site components through use of similar design, material and color.</i>	

Landscaping:

The project has ample overall landscaping of 34% and has provided adequate usable open space of 425 sq. ft. per unit. The usable open space is a combination of the main walkway corridors and side yards of the main buildings. Front yard areas do not technically count as usable space. Within the side yard areas pedestrian paths are proposed to provide exceptional connectivity and circulation within the development. Staff is recommending a condition that the private front patio spaces be extended out further (approximately 2 feet) from the building line to increase this usable space area and ensure the minimum dimension and area requirements are met. The result of this condition is that the 30 feet between buildings is maintained but the common area sidewalk corridor would effectively be reduced from 15 feet to 11 feet in width for the pathway and common landscaping. A three-foot decorative fence is proposed to demark the different spaces.

The common area amenities include a 500 square foot community building, aforementioned pedestrian paths, and a small 1,200 square foot open square. No active recreational spaces are proposed. Staff recommends the applicant consider providing a picnic table or gazebo within the site's larger landscape areas or potential inclusion of play area or tot lot.

The current site has 160 trees affected by the development proposal. The most significant trees on the site are large mature street trees which are primarily designated for preservation by allowing for alternative sidewalk configurations and setback building locations. Of the 160 trees approximately 40 are identified as exceptional specimen quality trees and another 60 are identify as fine specimen trees. The current landscape plan identified 32 trees that are to be retained. Staff has included a condition to review the final site and landscape plan details to review additional opportunities for preserving significant and quality trees. Total replacement trees, dollar valuation and determination of specimen replacement trees will be finalized by the City Arborist.

The following Guidelines were considered in analysis of the project landscaping.

Design Policy or Guideline (Landscape)	Comments
<i>A4 Properly landscape all areas not covered by structures, driveways and parking.</i>	Proposed landscaping provides a buffer to adjacent uses, open usable space, and acts as a stormwater bmp. Enhanced pavers or used in the hardscape street design.
<i>A2 Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects.</i>	Nine existing trees were retained and one tree designated to be relocated outside of the development footprint.

Parking/Circulation:

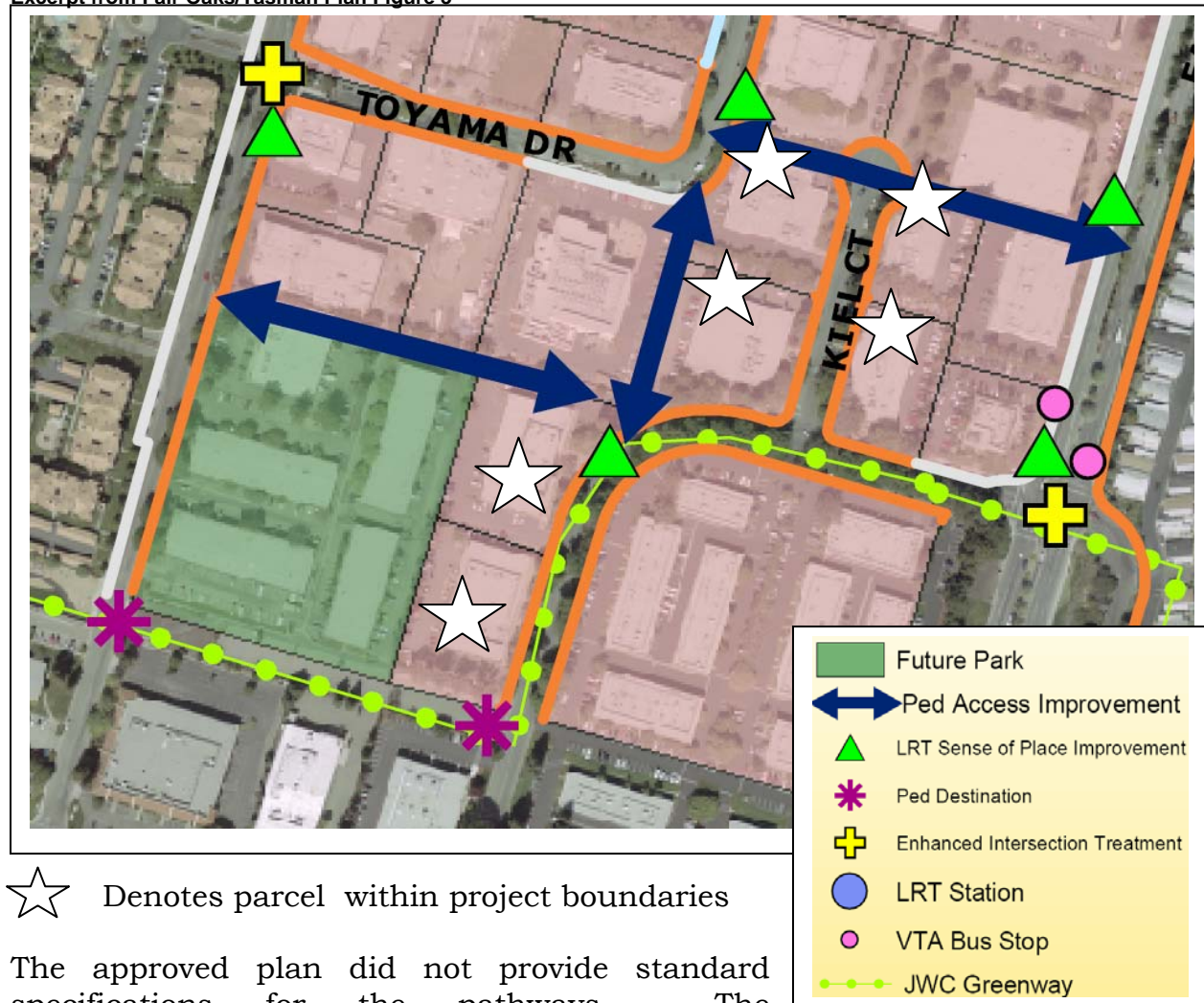
The project meets the bicycle and vehicle parking requirements in terms of the number of spaces, % compact, and dimensions of spaces and access for 2-4bedroom townhomes with two-car garages. Guest parking is distributed well throughout the site and provides adequate service for each sub-area. On street parking will exist along Kiel Court, but bike lanes along Weddell Drive preclude on street parking at this time. Secured bicycle parking is provided for within each of the townhomes' garages. Approximately 30 unsecured guest parking spaces are spread through out the periphery of the site. The guest parking spaces exceed the VTA guidelines of 9 spaces.

Vehicle circulation is provided by private streets off of Weddell Drive and Kiel Court. The northwest corner of the site provides additional driveway access to Karlstad Drive. While the increased connectivity is desirable with the Karlstad Drive connection and allows for emergency vehicle through access, staff does have concerns about cut-through traffic at this location. While the potential does exist, staff is not recommending any changes at this time. Internal pedestrian circulation is provided at three tiers within the project. The internal main walkway corridors that units front upon, the secondary paths through side yards around the perimeter of the site, and additional pathway connections along the private streets. Due to the distance of the public sidewalks from the property line and the existing street trees, connections to

the sidewalks are more difficult than normal, but critical to implement circulation guidelines for the neighborhood. All internal sidewalks should connect to the public sidewalk system and provided for exclusive separated pedestrian circulation.

Neighborhood pedestrian and bicycle circulation is also required through the subject site by the recently adopted Fair Oaks/Tasman Pedestrian and Bicycle Circulation Plan. The three identified pathways of the plan involve the subject site. Staff is recommending conditions of approval requiring dedication and improvement of two of the three pathways.

Excerpt from Fair Oaks/Tasman Plan Figure 3



The approved plan did not provide standard specifications for the pathways. The Transportation Division has consulted other resources and determined that 12-14 feet is the ideal amount of space for the paths to accommodate an eight-foot surface and shoulder landscaping and lighting. Minimum requirements would be for a five-foot wide surface within 8-10 feet space to create a comfortable experience. Within Sunnyvale single-family residential neighborhoods several comparable pedestrian paths of 10 feet wide exist along rear and sideyards of

houses. The ten feet is primarily paved surface with no shoulders and bordered by 6-8 foot privacy fences creating a confined feel to the area.

Staff recommends the developer be required to dedicate a minimum of 12 feet for the east west path from the future park, 12 feet for the short Weddell drive bend connection, and 12 feet for the Karlstad to Kiel section, and defer the remainder of Kiel connector to neighboring property and defer the north south connector to the neighboring property. Staff's recommendation accounts for approximately 48% path requirements needed to implement these improvements within the subject project. The recommendation provides two complete segments without half improvement require future development to complete and allowing appropriate deferment of other paths to neighboring properties.

The applicant has proposed only the seven-foot half improvement for the east west Karstad connector and the full short connector at the bend of Weddell Drive. The east west park connector is not proposed by the applicant. Staff's condition to accommodate the 12-foot path will likely require the applicant to reconfigure the sub-area to provide appropriate separation from the units and the path. The 12-foot north dedication will require adjustments to one building and some parking as well.

The applicant has also proposed that 6-foot chain link fences be installed around the paths. This is unacceptable to staff and does not meet the intent of the plan for providing open integrated comfortable pedestrian and bicycle circulation. Staff has included a recommended condition that the abutting fence be of a decorative design of 3 feet not to exceed 4 feet in height with gates for connections to individual walkways within the site. The fence is to be located on the private property. Staff has also accounted for the proposed dedicated area as part of the projects total landscaping and usable spaces figures and does not recommend requiring side or rear yard setbacks from the newly dedicated property line.

Staff has not recommended the developer contribute a fair share towards the designated intersection enhancements, LRT sense of place improvements, or upgrades to the John W. Christian Greenway and bike path in consideration of the proposed pedestrian path improvements.

Stormwater Management:

The proposed project reduces impervious surface for the site by approximately 19% compared to existing conditions. A preliminary stormwater management plan includes the uses of bioswales and in-ground mechanical devices. The preliminary review of soil conditions indicate low permeability and the likely need for importation of dirt for proper function of the bioswales. Staff also recommends reviewing material choices for the pedestrian paths and consider other permeable materials for these areas to reduce the runoff effects.

Tentative Map**General:**

Townhomes include land underneath the units, but the lot areas do not meet general lot design requirements for area and dimensions. Therefore the lots require a deviation to the standards. Justification of providing ownership units is generally acceptable for townhome development lot deviations. As individual units, individual utility services are to be provided to each unit including water, electricity, and sewer. Street frontage improvements are required, including sidewalks, luminaries, and street trees; no additional right of way is required to be dedicated for street improvements.

Easements/Undergrounding:

The project site requires undergrounding of all utilities and communication services prior to occupancy. Any existing power poles on the site must be undergrounded. Transformers and similar equipment capable of undergrounding shall be placed underground if located between a public street and the front of any building.

Existing easements on the site are primarily to be vacated as part of the map process as they do not contain any facilities. Service will be provided through the proposed private street to the units. Sidewalk easements for meandering sidewalks will be required on the final map.

Compliance with Development Standards

The project conforms to all development standards except for the following deviations:

- 3 stories where 2 is permitted
- height of 37 feet where 30 is permitted
- minimum lot area and dimensions
- rear yard setback of 12.75 feet where 20 feet is required
- side yard setback of 8 where 9 is required.

In regards to the Citywide Transportation Impact Fee, there is a no net increase in calculated trips as compared to the existing office buildings and no fee is required.

The Fair Oaks/Tasman Plan provides enhanced streetscape frontage improvements to be completed in conjunction with site development. Those improvements include wider sidewalks and an alternative luminary and lower pole height compared to standard city specifications for public street frontages. Additionally the plan identifies, pedestrian paths, intersection enhancements and light rail transit sense of place identification improvements. As discussed earlier Staff has recommended pedestrian path dedication improvements of

surfacing, signage, lighting, etc. be incorporated into the project. Staff has not included a recommendation for a fair-share contribution towards intersection enhancement or LRT sense of place enhancements.

Expected Impact on the Surroundings

The area surrounding this site is designated as ITR (Industrial to Residential) and is the fourth of four projects to seek approval and construction within the past 18 months. These projects have all converted industrial space to townhomes or apartments and once a site has transitioned to residential it is no longer able to revert back to industrial use. As part of this process of redevelopment, the pattern is disjointed throughout the area due to the individual parcelization and individual property owners discretion on pursuing residential development or maintaining an industrial use. This site is no exception as a 0.75 acre corner parcel is not included in the project and, will instead, continue to function as an office and industrial building. The same issue of operating industrial uses is true to the east and south of the proposed project. A deed declaration within the CC&R disclosing abutting uses is included as a condition of approval.

The impacts to the residents is the potential for more traffic or truck traffic, potential noise, and other impacts from business operations as compared to a homogenous residential neighborhood. Through the Initial Study for CEQA review of this project and the Futures EIR of the early 1990s, no hazardous material problems were identified on the subject site or in relation to the adjacent industrial operations. The impacts on the existing businesses is potential pressure to monitor their business operations to be compatible with neighbors in terms of noise, odors, etc. This pressure could result in businesses choosing to relocate or downsize their operations that may not be compatible to residential uses making their current sites not viable for business use. This transition is consistent with the intent of the Futures study and specifically the existing ITR zoning.

An additional impact on the surrounding neighborhood relates to availability of recreational facilities. The site to the south is owned by the City and planned to be a future 5-acre park. However, during the past year's budget process the park was not programmed into the budget for development and no definitive timeline exists for its conversion to a park. Including the proposed project, existing residents, and projects under construction in the area, the need for the park is increasing and City shall monitor the situation for appropriate action in the future to provide needed park services for the neighborhood planning area. The John W. Christian Greenway and Orchard Gardens Park provide a trail and linear park for public use southwest of the site. The proposed project is subject to park in-lieu fees to support the development of additional park facilities.

Findings, General Plan Goals and Conditions of Approval

The project requested deviations to height for the townhomes is typical of the proposed development type and the quality of architecture support the request. Front yard average setback deviations are again a positive element of the project by bringing the uses closer to the street and supporting the public realm and pedestrian orientation of the area. The site design was able to provide enhanced streetscape designs, abundant landscaping, and a common open square in addition to the private usable patios and porches creating a desirable living environment. Staff was able to make the required Findings based on the justifications for the Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site <u>430</u> mailed to the property owners and tenants within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website • Recorded for SunDial

Alternatives

1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1

Prepared by:

Kelly Diekmann
Project Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Letter from the Applicant

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as that the proposed project provides 50 additional housing units including 6 BMR units and eases the City's jobs/housing imbalance with the additional housing and replacement of employment producing land uses. The design is appropriate for providing compatible transition of use and a high quality living environment for its future residents. The project site is part of the Futures 7 industrial to residential conversion area which intends for the proposed type of use.

Land Use and Transportation Element

Action Statement N1.4.2 Site higher density residential development in areas to provide transitions between dissimilar neighborhoods and where impacts on adjacent land uses and transportation system are minimal.

Action Statement R.1.7.2 Support regional efforts which promote higher densities near major transit and travel facilities, without increasing the overall density of land usage.

C2.2 Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.

Housing and Community Revitalization Sub-Element

Policy C.1 Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

Goal D Maintain diversity in tenure, type, size and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The proposed project will complement existing medium and high-density residential development in the area and will encourage the transition from industrial use to residential use in the neighborhood as desired by the city's ITR designation for the area.

Recommended Findings - Tentative Map

The subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the zone and supports a land use that is compatible with the surrounding neighborhood.

The approving authority shall deny the Tentative Map if it makes any of the following findings:

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Recommended Conditions of Approval - Special Development

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review and approval of the Director of Community Development.

1. Execute a Special Development Permit document prior to issuance of a building permit.
2. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to the expiration date.
3. Reproduce the conditions of approval on the plans submitted for building permits.
4. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing before the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
5. Specific deviations allowed with this Special Development Permit are as follows:
 - a. Minimum lot size of 860 sq. ft.
 - b. Parcels without public street frontage
 - c. Maximum height of 3 stories and 37 feet as measured from top of curb
 - d. Minimum rear yard setback of 12.75 feet
 - e. Minimum side yard setback of 8.5 feet (additional exception may be permitted to take into account pedestrian path dedication)
6. All existing boundary lines and proposed overhead service drops shall be undergrounded from the building to the nearest off-site pole prior to occupancy.
7. Any transformer placed between the face of the building and the street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development.
 - a. All proposed mechanical equipment shall be screened to the height of the equipment in accordance with plans approved by the Director of Community Development.

Design

8. Submit a revised site plan for approval by the Director of Community Development that includes a 12-foot wide dedication for pedestrian paths along the north project boundary from Karlstad Drive to Kiel Court, from the west boundary of the future park to Weddell Drive, and for the connection at the Weddell Drive bend.
9. Final exterior building materials and colors are subject to review and approval by the Director of Community Development prior to issuance of a building permit. The following are to be included in final plans:
 - a. Reduce apparent mass and bulk of 5, and 6 unit buildings.
 - b. Additional detailing for all buildings to create focus elements for the design and provide accents that enhance individuality of the buildings and units, may include changes of colors or materials.
 - c. All exterior architectural details that are included in the residential home plans reviewed by the Planning Commission shall be included in the final building plans for final review and approval.
 - d. Elevations of the Community Building.
 - e. Trash enclosures shall meet design standards of the Public Works Department for concrete pads, extruded curbs, spacing, and capacity. Exterior materials are to match architectural features of the main buildings.
 - f. Foam accent elements are to be used sparingly and are generally discouraged. Materials choices for accents are to be consistent within each façade.

Stormwater

10. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
11. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit in conformance with 12.60 of the Sunnyvale Municipal Code, including third party certification of the final plan.
12. Certified Stormwater plans must be recorded with the property deed. The owner is responsible for maintaining the stormwater BMPs.
13. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board and a copy supplied to the City prior to issuance of a Building Permit.

Landscaping

14. The landscape and irrigation plans shall be submitted to the Director of Community Development identifying location, number, and species of planting as well as a final tree shading plan for approval prior to issuance of a Building Permit. Landscaping shall be planted and the irrigation system installed prior to occupancy. The landscape plan shall include the following elements:
 - a. Provide separate water meters for domestic and irrigation systems.
 - b. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - c. All areas not required for parking, driveways or structures shall be landscaped.
 - d. Landscaping shall include a minimum of 70% water wise varieties.
 - e. Of new trees installed, a minimum of 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
 - f. A valuation report by a certified arborist shall be submitted with the building permit plans for determination of appropriate number of replacement specimen trees and dollar valuations for trees to be removed.
 - g. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.
 - h. Stormwater management BMPs are to be coordinated with landscape features and species.
 - i. Backflow devices are to be placed in non-obtrusive locations and screened to the extent practicable
 - j. Provide a tree-shading plan that provides 50% coverage of parking areas within 15 years and include soil mitigation measures for trees to be located within confined spaces to ensure the health of the trees.
15. Provide a tree protection plan for approval by the Director of Community Development for all existing trees to be retained on site and provide additional protection for significant trees of good health on adjacent properties prior to the issuance of a demolition permit.
16. Submit a decorative paving plan for the interior street, pathways, and sidewalks indicating details of materials, patterns, and colors for review and approval by the Director of Community Development prior to the issuance of a building permit for site improvements.
 - a. Private Street, pedestrian paths and walkways shall include permeable surfaces to the extent feasible.
 - b. Extend pedestrian paths to public sidewalks.
 - c. Pedestrian paths and walkways adjacent to streets shall include special materials or markings to provide separation from vehicles.
 - d. The west Kiel sub area shall include additional provisions for pedestrian circulation along the private street connecting to sidewalks.

- e. Applicant shall consider incorporating picnic table, gazebo, play area or similar gathering amenity within larger open space area.
17. Fencing and/or walls are subject to approval of design and location by the Director of Community Development.
- a. Install and maintain a minimum of a 6-foot and up to 8-foot solid, decorative masonry wall, measured from the highest adjoining grade, of a design approved by the Director of Community Development along the perimeter property lines. Wherever there is a grade differential greater than 12 inches, a concrete or masonry retaining wall shall be installed. The Director of Community Development may consider a request approved by the Homeowners Association in the future to modify wall types and reduce heights upon redevelopment of adjoining properties.
 - b. West wall abutting future park is to be designed so as to accommodate lowering of height or replacement with a fence of three feet, but not to exceed 4 feet in height at the time the park is developed.
 - c. A cash deposit equal to the cost of the original construction of the wall shall be provided by the developer and held in reserve by the Homeowners Association for exclusive use to replace the west park wall at the time the City requires modifications to the wall in conjunction with the development of the park. Final design details of the replacement wall are to be approved by the Director of Community Development.
 - d. Wall design across from the front doors of residential units shall include additional elements of articulation and decorative features.
18. Submit exterior lighting plan, including high efficiency sodium vapor or equivalent fixture type and pole designs, for approval by the Director of Community Development prior to issuance of a Building Permit. Driveway and parking area and pedestrian path lighting shall include the pedestrian scale, style, and height with down lit lighting.

Pedestrian Paths

19. Prior to issuance of a building permit, improvement plans for the Pedestrian Path dedicated areas are to be submitted for approval by Director of Community Development. The plans are to include an eight-foot wide path, landscaped shoulders, entryway bollards, pedestrian lighting, and other standard features for pedestrian paths within the dedicated area and decorative three-foot fences with gates on adjacent private property.
20. At the expense of the developer the pedestrian paths improvements are to be installed prior to occupancy of the residential units.

Parking

21. Parking spaces shall be maintained at all times to allow for the parking of automobiles.
22. No fee shall be charged for parking.
23. Each unit shall be assigned two covered parking spaces in an enclosed garage. All other spaces shall be available for guests or additional resident vehicles.
24. Unenclosed storage of any vehicle longer than 18-feet intended for recreation purposes shall be prohibited on the premises.
25. No unenclosed storage shall be allowed including materials and equipment.
26. **Below Market Rate (BMR) Units:**
 - a) Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
 - b) The project will provide **16** Below Market Rate ownership dwelling units in compliance with SMC 19.66.
 - c) The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
 - d) Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
 - e) All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
 - f) Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
 - g) BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
 - h) Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
 - i) The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))

- j) Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
- k) Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
- l) In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
- m) In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds there from shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

Homeowners Association

27. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the recordation of the final map. The CC&Rs shall include:
- a. Provisions for short and long term maintenance of the common lot, landscaping areas, recreational areas, parking, driveways, and utility connections.
 - b. The Conditions of Approval of the Special Development Permit.
 - c. All curbs along the projects private street and driveways be signed as "no parking" and marked as a red curb.
 - d. Provisions for a homeowners association.
 - e. Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common facilities and shall obtain approval from the Director of Community Development prior to any modifications of the CC&Rs pertaining to or specifying the City or City requirements.
 - f. All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
 - g. The Homeowners Association shall maintain landscaping in perpetuity in the landscape easement area along East Evelyn Ave. fronting the project site.
 - h. The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Provisions in the Subdivision Agreement)
 - i. Homeowners are prohibited from modifying drainage facilities and/or flow patterns without first obtaining permission from the City.

- j. There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management.
- k. The CC&Rs should include a disclosure statement on the potential impacts from the adjoining uses. Future homeowners should be notified in advance they are purchasing property adjacent to a future public park and existing operating industrial uses which are associated with noise, pedestrian and vehicle traffic, night lighting, etc.
- l. Provisions shall be included to allow the City to mandate expenditure of funds by the Homeowners Association set aside for replacement of the west park fence at the time of development of the park. The costs to replace the fence is the full obligation of the Homeowners Association, regardless of the cost of the fence replacement and the amount of money initially set aside for said purpose.

Mitigation:

28. Building Plans are to include the mitigation measures identified with the Acoustical Analysis reviewed as part of the Mitigated Negative Declaration, generally described below:

Interior noise levels would not exceed City noise standards of 45 db provided:

MITIGATION MEASURE:

- *Minimum Sound Transmission Class (STC) rated windows are to be installed for units as identified within the study. Generally described as:*

-Southern most block of units shall have a minimum STC of 28 and STC 32 for the third level; and

all other southern section units shall have a minimum STC of 24 for all windows.

-Northern block of units adjoining Weddell Avenue shall have a minimum STC of 28 and STC 32 for the third level; and units adjoining the east property line shall have a minimum STC of 30 and STC 34 for the third level; and units adjoining Kiel Court and internal private drive fronting unit facades shall have a minimum STC of 24 for all windows; and units adjoining the NW Karlstad corner are generally exempt from specific mitigation measures.

- *Although individual windows are not required to permanently affixed, mechanical ventilation systems are required for all units to ensure high level of comfort for homeowners with or without closed windows that are required to attenuate sound levels.*

Recommended Conditions of Approval - Tentative Map

A. Planning Division

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
3. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
4. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
5. At the expense of the subdivider, City forces shall install such street trees and street frontage improvements as may be required by the Public Works Department.
6. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" shall be paid in accordance with MCS 18.10. Park Dedication Fee for the R-3 zoning district is 5,390.55 per unit. The Park Dedication Fee for this 130-unit project will be a total of \$700,771.50.

B. Building Safety Division

1. Obtain Grading Permits as required (MCS 16.12.010).
2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).

C. Public Works

1. Record a Final Map.
2. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by the Department of Public Works.

3. Connect to all City utilities or private utilities operating under a City franchise which provides adequate levels of service.
4. Obtain Public Works approval of plans for utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
 - a. Street frontage improvements conformance to the Fair Oaks and Tasman Pedestrian and Bicycle Guidelines.
 - b. Luminaries and street tree grates are to be installed per design standards of the Fair Oaks and Tasman Pedestrian and Bicycle Circulation Plan.
 - c. Luminaries shall include an internal louver around the bulb or equivalent feature to direct lighting downwards.
5. The on-site drainage and sanitary sewer systems shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter.
6. Installation of the water system shall conform to City standards and shall be part of the City (or franchised utility) system up to the master water meter serving the project. Individual water services and meters shall be provided to each lot as a public system to the individual meters. Meters should be located on sides of buildings or in areas protected from damage by high traffic areas.
7. Construct all public improvements prior to occupancy.
8. Existing and proposed on-site and street frontage electrical, telephone and cable TV services shall be placed underground or removed prior to occupancy (MC 19.46.060).
9. Post labor/material bond and faithful performance bond for the full cost of all off-site public improvements (MCS 12.08.020).
10. Developer shall enter into a Subdivision Agreement and post bonds for all off-site work prior to action on Final Tract Map.
11. Dedicate public utility easements at lot frontages as required by the utility companies. Provide sidewalk easements as needed for meandering sidewalks.
12. Calculations of water consumption and sanitary sewer discharge will be required during the project design phase and any associated fees or facility improvements provided prior to approval of the final map. Flow monitoring of sanitary sewer system shall be provided prior to

approval of the final map or as a condition of approval of the development permit at the discretion of the City Engineer.

D. Fire Prevention

1. Comply with the Sunnyvale Fire Prevention Code (MC 2099-84; Title 19 of Calif. Admin. Code Sec. 1.12(l); UFC 1982 Edition).
2. The water supply for fire protection and fire fighting systems shall be installed and operational prior to any combustible construction on the site (MC 16.52.170).
3. Provide fire access roads with a minimum width of 20 feet and a minimum inside turning radius of 30 feet. (MC 15.52.190)

E. Other Public Agencies

Pay School Tax fees prior to issuance of a building permit for site improvements.